

# **Courts, Corrections and Justice Committee**



**October 9, 2012**

**Children, Youth and Families Department  
Yolanda Deines, Cabinet Secretary**





# **Delinquency Code Changes**

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## **Purpose**

- **Expand purpose of the delinquency code to include reducing disproportionate minority contact**

## **Youthful Offenders**

- **Lower the number of felony adjudications necessary to be defined as a youthful offender**
- **Implement dual/blended sentencing – a key to implementation of the Cambiar model**

## **Clean Up**

- **Amend the parole section to reflect the shift to supervised release**
- **Remove references to juvenile parole officers**
- **Change references from “correctional officer” to “youth care specialist”**



# Delinquency Code Changes

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## Commitments

- **Require that 15-day evaluations be performed in the child's community unless the court has previously found that the child meets detention requirements, and extends the length of time allotted for an evaluation of a detained child to 30 days – this addresses overcrowding issues and ensures that evaluations are thorough to assist the court**
- **Clearly state that delinquent children committed to CYFD are not eligible for pre-sentence confinement credit**
- **Codify the United States Supreme Court case *Miller v. Alabama* by stating that serious youthful offenders cannot receive a sentence of life without parole**
- **Allow for long-term commitments to exceed 21 months if a petition to extend commitment has been filed**



# Dual or Blended Sentencing

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- **“Dual” or “blended” sentencing:**  
**A sentencing scheme which allows a court to combine juvenile and adult sanctions in sentencing an adjudicated Youthful Offender**
- **Purpose of dual or blended sentencing:**
  - Maximizes the effectiveness of rehabilitative efforts for juveniles while protecting public safety
- **Why it is effective:**
  - Time allowed for a juvenile to benefit from rehabilitative efforts is not automatically cut off at age 21 if the youth is making progress but still has the need for continued supervision to complete the rehabilitative process
  - Youth know that adult sanctions are pending if they fail to appropriately avail themselves of rehabilitative programming



# Dual or Blended Sentencing

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- **Enhances public safety:**
  - A youth who is committed as a juvenile who does not make adequate progress toward rehabilitation is not automatically released when Children's Court jurisdiction ends at age 21.
  - After a hearing, the youth may be transferred into the adult corrections system to complete an adult sentence, if appropriate.
  
- **Maximizes the chances that a youth will reach their potential developmentally and socially while minimizing further threats to public safety in the event that the youth is unable or unwilling to benefit from programming offered by CYFD**



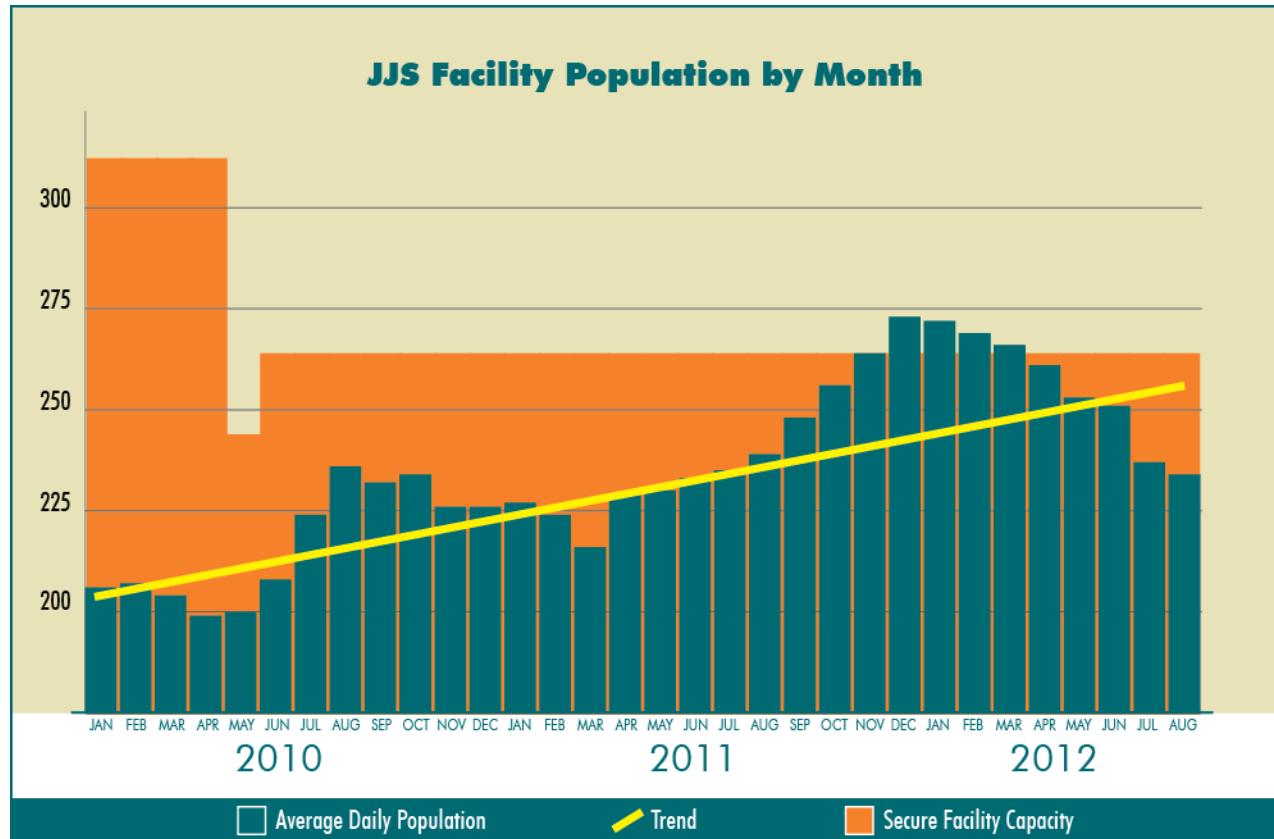
## Juvenile Justice Services Update

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- **CYFD is requesting an expansion request of \$2,625.0 to establish a 24-bed secure facility in southeast New Mexico with an anticipated opening date of October 1, 2013:**
  - CYFD's current bed capacity for all JJS secure facilities is 264.
    - Throughout FY12, Juvenile Justice Services has operated at or above capacity.
    - CYFD projects the population in secure facilities to grow by 38 clients over the next five years.
  - The request reflects 75% of the costs projected to operate the facility for a full year.
  - The request includes 50 additional FTE to provide security, education, medical, behavioral health, etc.



# Juvenile Justice Services Update

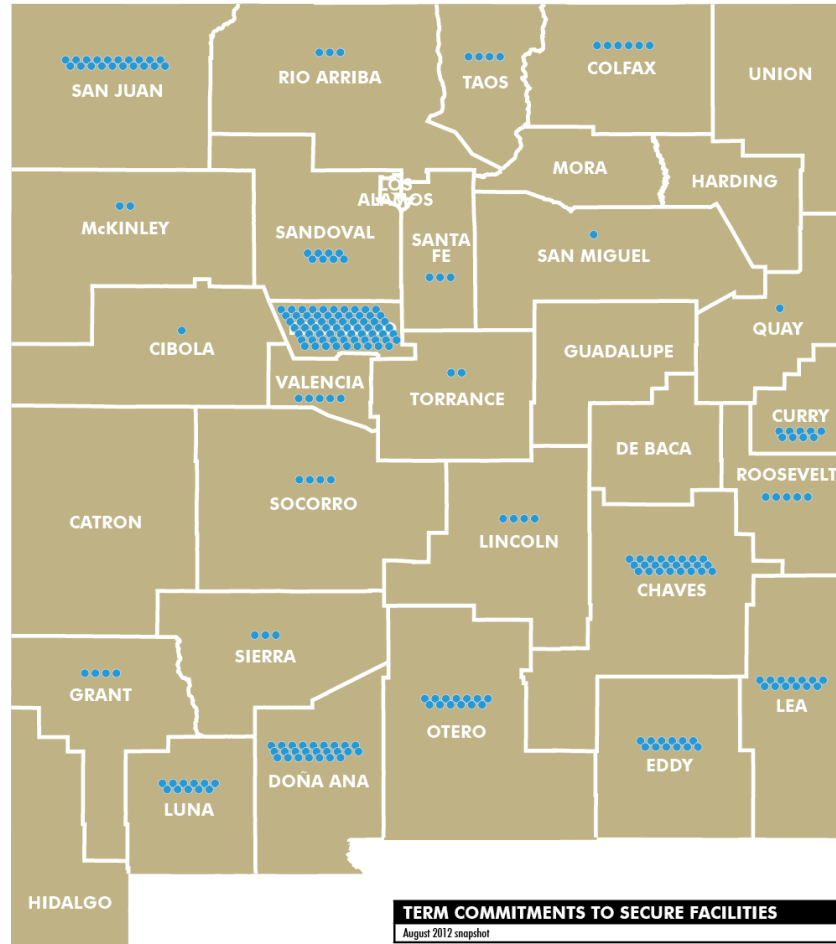


- The trend line in the chart above shows a steady increase in client population.





# Juvenile Justice Services Update



- The map above illustrates the home residence of youth in secure facilities.



# Juvenile Justice Services Update

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- **For the FY14 capital outlay request, CYFD's priority is for the plan/design and demolition of existing state-owned property for a secure juvenile facility in southeastern New Mexico. This is in alignment with Phase I of the Facility Master Plan that was developed three years ago which proposes regional facilities consistent with the Cambiar model.**



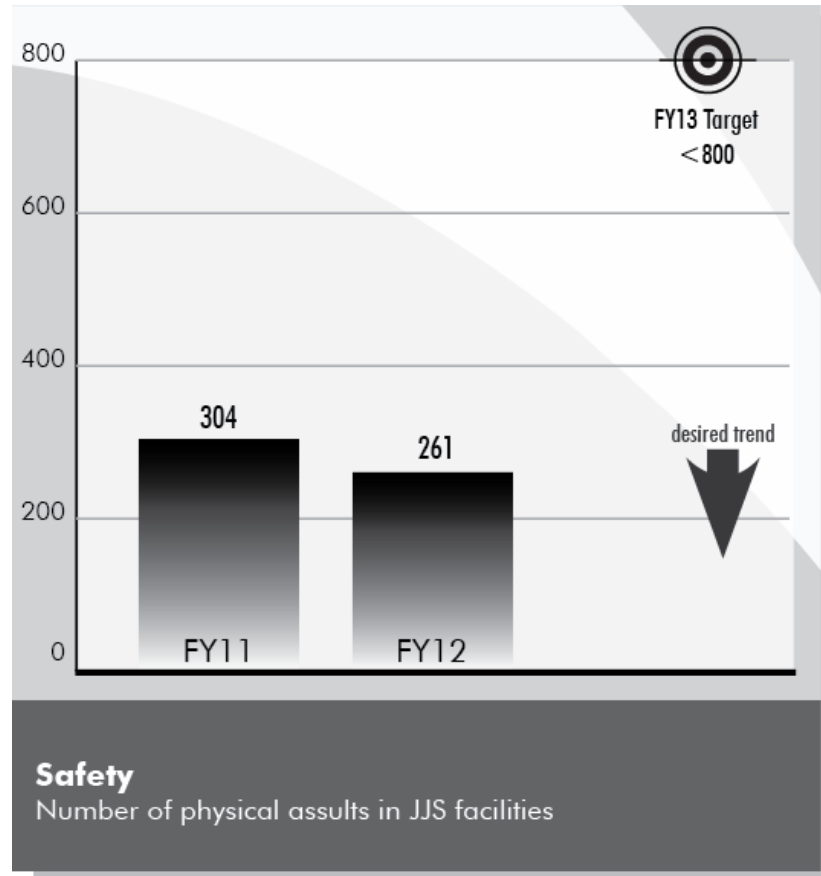
# Juvenile Justice Services Update

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- **CYFD is now in its fifth year in implementing the Cambiar model within Juvenile Justice facilities.**
- **The Missouri Youth Services Institute focus this year has been to assist facility and field managers in promoting and supporting the model implementation.**
- **Some of the improvements resulting from the Cambiar model include:**
  - **A decrease in facility assaults**
  - **A decrease in unit populations (12 max.)**
  - **Multi-disciplinary unit teams (security and behavioral health)**
  - **Intensive and ongoing positive peer culture group interaction through processes including daily group meetings, therapeutic interactions, spontaneous peer group support, collaborative and consistent programming across disciplines**



# Juvenile Justice Services Update



- The number of physical assaults in Juvenile Justice facilities has decreased.



# Abuse and Neglect Code Changes

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## Aggravated Circumstance

- Adds sex offender registration as an aggravating circumstance – required for federal funding for Child Abuse Prevention and Treatment Act (CAPTA) State grants.
- Department must allege in the Petition and prove the aggravating circumstance. If the circumstance is alleged and proven the court *may* determine that reasonable efforts to preserve and reunify the family are not necessary.

## Placement of Foster Children

- Clarifies that foster children are only allowed to be placed in a licensed placement
- Moves Section 32A-4-25.1(D) to 32-4-18(E) to assure that relatives are being sought earlier in the proceeding
- Safeguards the rights of young adults who are in need of a guardianship; courts will retain jurisdiction until the guardianship is complete to assure these persons are properly protected



# **Abuse and Neglect Code Changes**

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## **Open Adoption Mediation**

- **Clean up to allow any party to file a motion for open adoption and not mandate that the department must file**
- **Clarifies that a motion for open adoption mediation should only be filed when appropriate and not in all cases**

## **Compelling Reasons Not to File for Termination of Parental Rights**

- **Deleted reasons as per federal policy**
- **Allows for judges to make a case by case determination**
- **No longer a prescriptive list**



# Abuse and Neglect Code Changes

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## Confidentiality

- **New section added to assure that the law is being followed when releasing information to others that have an interest in working with the child and the family**

## Facility Investigation

- **Clarifies that the department has the authority to conduct abuse and neglect investigations in facilities. The change clears up any conflict between the Children's Code and NMSA 1978 Section 24-1-1 et seq.**



## Other CYFD Legislation

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- **Increased criminal penalties for crimes against children**
- **NCIC bill**
  - Allows for law enforcement to conduct a criminal background check on prospective foster parents at the time a child is initially being removed from their parent(s)
  - Ensures safety of children